

Notice of Allowability

Application No.

10/035,103

Examiner

Sandra M. Nolan

Applicant(s)

PFIRRMANN ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 30 August 2004.
2. ☒ The allowed claim(s) is/are 5-7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

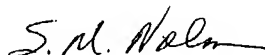
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20041110</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>8-30-04 Appendix</u> . |



SANDRA M. NOLAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. If the changes are unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. Such an amendment MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Jason Voight (202/659.0100) on 09 November 2004.
3. The application has been amended as follows:

In the Specification

Page 1, immediately after the title, the following sentence has been inserted:

-- This is a divisional application of Serial No. 09/303,600, filed on May 3, 1999, now abandoned. --.

Remarks

The amendment adds the status of the parent application to the specification.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowing claims 5-7:
5. The sole base claim, claim 5, can be summarized as follows:

Claim 5 covers a process for making polyethylene (PE) blow moldings having a volume of from 5 to 5,000 L and a bursting strength, determined by a drop height test at -18°C , of more than 3 m by:

(1) forming, at high temperature, a PE having (a) a density, ρ , of $\geq 0.94 \text{ g/cm}^3$,
(b) a melt flow rate, $\text{MFR}_{190/21.6} < 50 \text{ g/10 min.}$ and (c) a notched tensile impact strength $a_{zK} (-30^{\circ}\text{C})$ exceeding 250 kJ/m^2 into a blow molding with a volume of from 5 to 5,000 L,

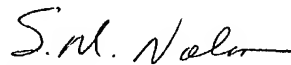
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- (2) allowing the blow molding to cool to room temperature,
- (3) annealing the blow molding, at from 60 to 135°C, until a_{zk} (-30°C) exceeds 300 kJ/m², and
- (4) cooling the molding to room temperature again.
6. The prior art of record fails to teach treating PE moldings made via the process of claim 5, as it is recited in applicants' amendment dated 30 August 2004.
7. The 30 August 2004 amendments and arguments have overcome all outstanding objections and rejections. Claims 5-7 appear in the appendix to that amendment.
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry should be addressed to Sandra M. Nolan, at 571/272-1495. She is available Monday through Thursday, from 6:30 am to 4:00 pm, ET. If attempts to reach her are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



S. M. Nolan
Primary Examiner
Technology Center 1700
SANDRA M. NOLAN
PRIMARY EXAMINER

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